

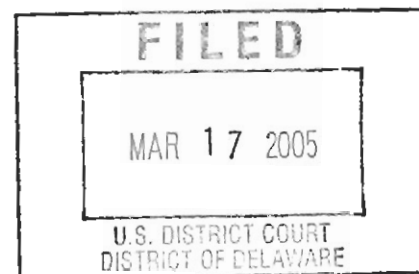
IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

Daniel Paskins,  
petition,

v.

Thomas Carroll, warden,  
Delaware Correctional Center,  
and M. Jane Brady, attorney General  
of the State of Delaware

Civil Action No. 05 - 161



Memorandum of Law in Support of Petition  
under 28 U.S.C. 2254 for a Writ of Habeas  
Corpus, pursuant to 28 U.S.C. 2244(b)(2)(B)

Daniel Paskins was arrested on December 7th 1993 for a robbery in Lewes, Delaware, while incarcerated Detective Brown of the Delaware State Police stated in his testimony that he made a second arrest of Paskins for another robbery in Rehoboth, Delaware, the robbery he now stands convicted of. Paskins believed that his arrest was illegal, it was stated at Paskins trial by Det. Brown, he made an arrest of Paskins on December 13th 1993, Paskins has argued for years this 2nd arrest was illegal. The fact of the matter is Det. Brown combined the two arrest into one making the original arrest of December 7th 1993 the initial appearance for December 13th 1993, the date Det. Brown testified under oath he made a 2nd arrest. These different dates are one date, confirmed by identical arrest numbers, see Ex. 1 and Ex. 2. Paskins could not have discovered previously the factual predicate for his claim through the exercise of due diligence, It's clear now Court of Common Pleas Rule 5(d), Superior court criminal rule 5(d) and Federal Rule of Criminal Procedure 5(c) were violated. These rules state; The magistrate judge must hold the preliminary hearing within a reasonable time, but no later than 10 days after the initial appearance if the defendant is in custody and no later than 20 days if not in custody. Paskins initial appearance was December 7th 1993 he was ordered to be brought by committing magistrate on December 16th 1993 for arrest number 164927, see Ex. 3. Paskins was never brought to the courtroom. Ex. 4 will show the magistrate judge continued the hearing without the finding of extraordinary circumstances existing, nor was the delay indispensable to the interest of justice, U.S.C.A. Title 18 Crime and Criminal Procedure 3060(a)(b)(c), again, the Supreme Court determined that a hearing Magistrate must remain neutral and detached; he only need hear enough evidence to satisfy

himself that probable cause exist, Schramm v. State, Del. Supr., 366 A.2d 1185. The right to a preliminary hearing must be protected, and preserved to the end that innocent persons may have speedy exoneration and release; and it may not be avoided or delayed out of existence by prosecutorial tactics, State v. Wahl 263 A.2d at 302. The hearing magistrate continued Paskins hearing without cause failing to set forth "ends of justice", U.S. v. Kelly 45 F. 3d 45, 47. The tactic presented by the state in filing other charges actually prejudiced Paskins, U.S. v. Gouveia 467 U.S. 180, 192 (1984). The court abridged the privilege, and immunity given to Paskins in the Fourteenth Amendment by denying court of common pleas 5(d), Federal Rule of Criminal Procedure 5(c) and Superior Court Criminal Rule 5(d) Paskins right to a compulsory process, and Speedy trial rights were all diminished by this court ruling, violating his sixth amendment right, and Art. I Sec. 7 of the Del. Const. A superior court judge agrees Paskins 10 day rule was violated, but disagrees with it being constitutional error. It's very clear in the Fourteenth Amendment that to abridge a privilege or immunity violates one's right, it's also clear that because of this violation everything after the scheduled day of the preliminary hearing of December 16th 1993 is unconstitutional, thus, the Fruit of the Poisonous Tree. It's clear that Paskins would have been exonerated if he had been brought for his prl. hearing of the 16th of December 1993, there was no probable cause to detain him, thus, a dismissal would have been required, an adjournment or postponement contrary to the provisions of such statutes has the legal effect of a dismissal of the proceedings for want of jurisdiction, and entitles accused to be discharged from custody, Micheel v. Vamos, 60 N.E. 2d 305, 144 Ohio St. 628, 30 O.O 225. Cal.-Exparte Rosenblat, 51 C. 285. These facts underlying this claim, are proven,

and viewed in the light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that, but for constitutional error, no reasonable factfinder would have found the applicant guilty of the underlying offense. The claim has never been presented, nor was deliberately withheld, it was newly uncovered because of state principles in which political expediency is placed above morality, and the use of craft and deceit to maintain the authority and carry out the policies of law. Paskins prays this court grant this writ of habeas corpus.

*Daniel Paskins*

3-15-05

Ex. 1

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488446

Adult  
Complaint and Warrant  
In the JUSTICE OF THE PEACE COURT 03  
In and for the county of SUSSEX, State of Delaware  
State of Delaware vs DANIEL M PASKINS J

I, CHARLES C BROWN (04560), of TROOP 4 STATE POLICE do hereby state under oath or affirmation, to the best of my knowledge, information and belief that the above-named accused violated the law of the State of Delaware by committing criminal acts in Sussex county on or about the date(s) and at or about the location(s) as indicated in Exhibit A hereto attached and made a part hereof.

WHEREFORE, your affiant prays that the above named accused may be forthwith approached and held to answer to this complaint consisting of 4 charges, and to be further dealt with as the law directs.

*Det. Charles C Brown*  
Affiant

SWORN TO and subscribed before me this 07 day of December A.D., 1993.

*William F. Black*  
Judge/Master/Commissioner

=====

(To be completed by Judge/Master/Commissioner)  
Jurisdiction resides in Family Court because: (Check and complete as required)

A. \_\_\_\_\_ The crime was committed by a child  
B. \_\_\_\_\_ A misdemeanor was committed against a child  
C. \_\_\_\_\_ A misdemeanor was committed by one family member against another family member  
D. \_\_\_\_\_ Other. Explain \_\_\_\_\_

=====

WARRANT

TO ANY CONSTABLE or other authorized person:

WHEREAS, the foregoing complaint consisting of 4 charges, having been made, as listed in Exhibit A which is attached hereto and incorporated herein, and having determined that said complaint has been properly sworn to and executed before me, and having found that there exists probable cause for the issuance of process, based upon the affidavit of probable cause which is attached hereto and incorporated herein as Exhibit B, you are hereby commanded in the name of the State of Delaware, to take DANIEL M PASKINS J accused, and bring same before JUSTICE OF THE PEACE COURT 03, FORTHWITH, to answer said charges.

GIVEN UNDER MY HAND, this 07 day of December A.D., 1993.

*William F. Black*  
Judge/Master/Commissioner

Warrant executed by *Det. C. Brown* 03P4 (Name/Agency) on  
day of *Dec* 1993.  
Police Complaint No 0793025395 WR:0493000818:WR

COPY

Appendix "F"

0312 0312



Exhibit A

State of Delaware vs DANIEL M PASKINS J

Court Case: 9312003318

Complaint Number: 0793025395 Arrest Number: 164927 Charge Sequence: 001  
Charge: ROBBERY FIRST DEGREE

-DISPLAYS WHAT APPEARS TO BE A DEADLY WEAPON

In Violation of: 11-DE-0832-00A2-F-B

Location of Violation: US 9 3/10MI W/O LEWES CEDAR CHEST PKGE STORE

TO WIT: DANIEL M PASKINS J, on or about the 6th day of December, 1993, in the county of Sussex, State of Delaware, did when in the course of committing theft, threaten to use force upon WENDY HUDGINS with the intent to compel WENDY HUDGINS to deliver up property consisting of APPROX \$1000.00 IN US CURRENCY and when in the course of commission of the crime, he displayed what appeared to be a deadly weapon, to wit: REVOLVER

Complaint Number: 0793025395 Arrest Number: 164927 Charge Sequence: 002  
Charge: POSSESSION OF A DEADLY WEAPON DURING THE COMMISSION OF A FELONY

In Violation of: 11-DE-1447-0000-F-B

Location of Violation: US 9 3/10MI W/O LEWES CEDAR CHEST PKGE STORE

TO WIT: DANIEL M PASKINS J, on or about the 6th day of December, 1993, in the County of Sussex, State of Delaware, did knowingly possess a deadly weapon during the commission of a felony by possessing REVOLVER, a deadly weapon, during the commission of ROBBERY 1ST

Complaint Number: 0793025395 Arrest Number: 164927 Charge Sequence: 003  
Charge: POSSESSION OF DEADLY WEAPON BY PERSON CONVICTED OF A CRIME OF VIOLENCE

In Violation of: 11-DE-1448-00A1-F-F

Location of Violation: US 9 3/10MI W/O LEWES CEDAR CHEST PKGE STORE

TO WIT: DANIEL M PASKINS J, on or about the 6th day of December, 1993, in the county of Sussex, State of Delaware, did have in his possession REVOLVER, a deadly weapon as defined under 11 Del. C. sec. 222(5), after having pled guilty in Criminal Action No(s) 73900012611 in the Superior Court of the State of Delaware in and for SUSSEX on 06-03-90 of the charges of ASSAULT 2ND .

Complaint Number: 0793025395 Arrest Number: 164927 Charge Sequence: 004  
Charge: CONSPIRACY SECOND DEGREE

-AGREEMENT TO ENGAGE IN FELONY CRIMINAL CONDUCT

In Violation of: 11-DE-0512-0001-F-G

Location of Violation: US 9 3/10MI W/O LEWES CEDAR CHEST PKGE STORE

TO WIT: DANIEL M PASKINS J, on or about the 6th day of December, 1993, in the County of Sussex, State of Delaware, did when intending to promote the commission of a felony, did agree with BOYCE BILES to engage in conduct constituting the felony of ROBBERY 1ST and did commit an overt act in the furtherance of said conspiracy by committing ROBBERY

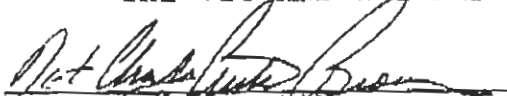
Exhibit B  
Affidavit of Probable Cause

State of Delaware vs DANIEL M PASKINS J  
Also known as: DANNY  
Date of birth: 06/21/1967 Sex: M  
Eyes: BRO Hair: BLK Height: 601  
Accused's home add: 14 HARMON'S LANE  
: REHOBOTH, DE 199710000  
Accused's Home Ph : 3022278738  
Accused's employer: DEL STATE COLLEGE  
:  
:  
Accused's Emp Pho: 3022271773  
Relation: Vict to accused: STRANGER  
Victim's Age : 27  
Victim's D.O.B. : 02/08/1966  
Date(s) and time(s) of offense: 12/06/1993 23:09  
Location where offense occurred: US 9 3/10MI W/O LEWES CEDAR CHEST PKGE STORE

Police Complaint Number: 0793025395  
SBI Number: 00203178  
Race: B Accused's age: 26  
Weight: 233  
Social Security Number 221628326  
Driver's License DE - 0769295  
Name, Home and Work Addresses, and  
Telephone Numbers of Next of Kin  
or Parent/Guardian  
: WALTER HARMON  
: 12 HARMON LANE  
:  
: REHOBOTH BEACH, DE 199710000  
Phone: 3022278432  
Work :  
:  
:  
:

Your affiant CHARLES C BROWN can truly state that:

1. ON 12-06-93 2309HRS CPL HAGEN FROM TROOP 7 RESPONDED TO A ROBBERY IN PROGRESS WHICH OCCURRED AT THE CEDAR CHEST PKGE STORE LOCATED ON US 9 3/10 MI W/O LEWES.
2. VIC WORKING IN THE PACKAGE STORE OBSERVED A BLACK MALE 600; 200LBS DRK COMPLEX WEARING A BLACK HOODED SWEATSHIRT, ENTER THE STORE AND GET A 6 PACK OF HEINEKEN AND BRING IT TO THE COUNTER. D-1 BOYCE BILES PULLED A LONG BARREL REVOLVER OUT AND POINTED IT AT THE VIC AND TOLD HER TO OPEN THE CASH REGISTER. VIC OPENED THE CASH REGISTER AND D-1 REACHED OVER THE COUNTER AND REMOVED THE MONEY. D-1 DEMANDED THE VIC GIVE HIM ALL THE MONEY, RAN AROUND THE COUNTER AND REMOVED US CURRENCY FROM ANOTHER CASH DRAWER FOR LOTTERY TICKETS. W-1 ANOTHER CLERK OBSERVED D-1 ALSO, D-1 FLED OUT THE STORE. W-1 CONTACTED 911 AND LOOKED OUT THE WINDOW AND SAW D-1 GET INTO PICKUP WITH A WHITE CAP AND DRIVE AWAY.
3. W-2 MANGLE WAS WALKING UP TO THE ENTRANCE OF THE STORE AND OBSERVED D-1 FLEEING FROM THE STORE AND SAW HIM GET IN THE ABOVE DESCRIBE PICKUP.
4. CPL HAGEN TROOP 7 RESPONDED TO THE CALL AND OBSERVED THE VEHICLE DRIVING AWAY FROM THE SCENE PURSUED THE VEHICLE AND STOPPED IT AT US 1 AND CR 12 CPL HAGEN ORDERED THE DEF'S OUT OF THE VEHICLE, D-3 WAS DRIVING THE VEHICLE, D-2 WAS SITTING IN THE MIDDLE AND D-1 WAS RIGHT PASSENGER. D-1 FLED FROM CPL HAGEN, RUNNING INTO A WOODED AREA. A SEARCH OF THE VEHICLE REVEALED A LONG BARRELED REVOLVER AND US CURRENCY LYING ON THE FLOOR.
5. DEF'S 2 AND 3 WERE TAKEN INTO CUSTODY AND TRANSPORTED TO TROOP 7. CPL HAGEN SEARCHED D-3 SNEAD AND LOCATED A SMALL AMOUNT OF MARIJUANA IN CONTAINER IN D-3'S POCKET.
6. D-1 WAS APPREHENDED BY LEWES PD AND TOT CPL HAGEN. WRITER INTERVIEWED THE VIC AND W-1 AND W-2. D-1 MATCHED THE DESCRIPTION GIVEN BY THE VIC

  
(Affiant)

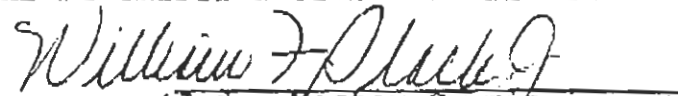
  
(Judge-Master-Commissioner)  
Sworn to and subscribed before me  
this 07 of December, 1993

Exhibit B  
Statement of Probable Cause (Continued)

State of Delaware vs DANIEL M PASKINS J

AND THE WIT'S. VIC, W-1 AND W-2 POSITIVELY IDENTIFIED D-1 IN A SHOW-UP  
AT TROOP 7.

7. D-1 PLED GUILTY FOR ASSAULT 2ND IN 1990 ; D-2 PLED GUILTY TO A ROBBERY  
1ST IN 1988 MAKING BOTH DEF'S PROHIBITED.

=====

Affiant:

CHARLES C BROWN TROOP 4 STATE POLICE Phone 0 Work 0

Victims:

WENDY HUDGINS

  
Affiant

Sworn and subscribed before me this 07 day of December A.D. 1993

  
Judge/Master/Commissioner



Ex. 2

Adult  
Complaint and Warrant  
In the JUSTICE OF THE PEACE COURT 03  
In and for the county of SUSSEX, State of Delaware  
State of Delaware vs DANIEL M PASKINS J

CHARLES C BROWN (04560), of TROOP 4 STATE POLICE do hereby state under oath or affirmation, to the best of my knowledge, information and belief that the above-named accused violated the law of the state of Delaware by committing criminal acts in Sussex county on or about the date(s) and at or about the location(s) as indicated in Exhibit A hereto attached and made a part hereof.

WHEREFORE, your affiant prays that the above named accused may be forthwith approached and held to answer to this complaint consisting of 13 charges, and to be further dealt with as the law directs

Det. Charles C. Brown 4560  
Affiant

SWORN TO and subscribed before me this 13 day of December A.D., 1993.

[Signature]  
Judge/Master/Commissioner

=====  
(To be completed by Judge/Master/Commissioner)  
Jurisdiction resides in Family Court because: (Check and complete as required)  
A. \_\_\_\_\_ The crime was committed by a child  
B. \_\_\_\_\_ A misdemeanor was committed against a child  
C. \_\_\_\_\_ A misdemeanor was committed by one family member against  
another family member  
D. \_\_\_\_\_ Other. Explain \_\_\_\_\_  
=====

WARRANT

TO ANY CONSTABLE or other authorized person:

WHEREAS, the foregoing complaint consisting of 13 charges, having been made, as listed in Exhibit A which is attached hereto and incorporated herein, and having determined that said complaint has been properly sworn to and executed before me, and having found that there exists probable cause for the issuance of process, based upon the affidavit of probable cause which is attached hereto and incorporated herein as Exhibit B, you are hereby commanded in the name of the State of Delaware, to take DANIEL M PASKINS J accused, and bring same before JUSTICE OF THE PEACE COURT 03, FORTHWITH, to answer said charges.

GIVEN UNDER MY HAND, this 13 day of December A.D., 1993

[Signature]  
Judge/Master/Commissioner

Warrant executed by Det. C. Brown (Name/Agency) on Dec. 13, 1993  
Police Complaint No 0793025260 WR:0493000835:WR

Appendix "G"

Exhibit A

State of Delaware vs DANIEL M PASKINS J

Court Case: 9312006327

Complaint Number: 0793025260 Arrest Number: 164927 Charge Sequence: 001  
Charge: ROBBERY FIRST DEGREE

- DISPLAYS WHAT APPEARS TO BE A DEADLY WEAPON

In Violation of: 11-DE-0832-00A2-F-B

Location of Violation: US 1 1/2 MI N/O REHOBOTH

TO WIT: DANIEL M PASKINS J, on or about the 4th day of December, 1993, in the county of Sussex, State of Delaware, did when in the course of committing theft, threaten to use force upon DENNIS FORD with the intent to compel DENNIS FORD to deliver up property consisting of \$22.00 IN US CURRENCY and when in the course of commission of the crime, he displayed what appeared to be a deadly weapon, to wit: 25 CAL SEMI AUTO HANDGUN

Complaint Number: 0793025260 Arrest Number: 164927 Charge Sequence: 002  
Charge: ROBBERY FIRST DEGREE

- DISPLAYS WHAT APPEARS TO BE A DEADLY WEAPON

In Violation of: 11-DE-0832-00A2-F-B

Location of Violation: US 1 1/2 MI N/O REHOBOTH

TO WIT: DANIEL M PASKINS J, on or about the 4th day of December, 1993, in the county of Sussex, State of Delaware, did when in the course of committing theft, threaten to use force upon GLEN SEYMORE with the intent to compel GLEN SEYMORE to deliver up property consisting of \$50.00 IN US CURRENCY and when in the course of commission of the crime, he displayed what appeared to be a deadly weapon, to wit: 25 CAL SEMI AUTO HANDGUN

Complaint Number: 0793025260 Arrest Number: 164927 Charge Sequence: 003  
Charge: ROBBERY FIRST DEGREE

- DISPLAYS WHAT APPEARS TO BE A DEADLY WEAPON

In Violation of: 11-DE-0832-00A2-F-B

Location of Violation: US 1 1/2 MI N/O REHOBOTH

TO WIT: DANIEL M PASKINS J, on or about the 4th day of December, 1993, in the county of Sussex, State of Delaware, did when in the course of committing theft, threaten to use force upon RAY WADE with the intent to compel RAY WADE to deliver up property consisting of \$7.00 IN US CURRENCY and when in the course of commission of the crime, he displayed what appeared to be a deadly weapon, to wit: 25 CAL SEMI AUTO HANDGUN

Exhibit A  
of Delaware vs DANIEL M PASKINS J

Court Case: 9312006327

Complaint Number: 0793025260 Arrest Number: 164927 Charge Sequence: 004  
Charge: ROBBERY FIRST DEGREE

- DISPLAYS WHAT APPEARS TO BE A DEADLY WEAPON

In Violation of: 11-DE-0832-00A2-F-B 93-12-0534

Location of Violation: US 1 1/2 MI N/O REHOBOTH

TO WIT: DANIEL M PASKINS J, on or about the 4th day of December, 1993, in the county of Sussex, State of Delaware, did when in the course of committing theft, threaten to use force upon MICHAEL FLINT with the intent to compel MICHAEL FLINT to deliver up property consisting of \$60.00 IN US CURRENCY AND WHEN IN THE COURSE OF COMMISSION OF THE CRIME, he displayed what appeared to be a deadly weapon, to wit: 25 CAL SEMI AUTO HANDGUN PS93-4713

Complaint Number: 0793025260 Arrest Number: 164927 Charge Sequence: 005  
Charge: POSSESSION OF A DEADLY WEAPON DURING THE COMMISSION OF A FELONY

In Violation of: 11-DE-1447-0000-F-B 93-12-0535

Location of Violation: US 1 1/2 MI N/O REHOBOTH

TO WIT: DANIEL M PASKINS J, on or about the 4th day of December, 1993, in the County of Sussex, State of Delaware, did knowingly possess a deadly weapon during the commission of a felony by possessing 25 CAL SEMI AUTO HANDGUN, a deadly weapon, during the commission of ROBBERY 1ST PS93-4714

Complaint Number: 0793025260 Arrest Number: 164927 Charge Sequence: 006  
Charge: POSSESSION OF DEADLY WEAPON BY PERSON CONVICTED OF A CRIME OF VIOLENCE

In Violation of: 11-DE-1448-00A1-F-F 93-12-0536

Location of Violation: US 1 1/2 MI N/O REHOBOTH

TO WIT: DANIEL M PASKINS J, on or about the 4th day of December, 1993, in the county of Sussex, State of Delaware, did have in his possession 25 CAL HANDGUN, a deadly weapon as defined under 11 Del. C. sec. 222(5), after having pled guilty in Criminal Action No(s) 0788004253 in the Superior Court of the State of Delaware in and for SUSSEX on 06-07-88 of the charges of BURGLARY 1ST . PS93-4715



Exhibit A  
of Delaware vs DANIEL M PASKINS J

Court Case: 9312006327

Complaint Number: 0793025102 Arrest Number: 164927 Charge Sequence: 007  
Charge: BURGLARY SECOND DEGREE

- DWELLING

In Violation of: 11-DE-0825-0001-F-D 93-12-0537 PS93-4716  
Location of Violation: CR 273 1MI W/O REHOBOTH

TO WIT: DANIEL M PASKINS J, on or about the 2nd day of December, 1993, in the County of Sussex, State of Delaware, did knowingly and unlawfully enter a dwelling located at CR 273 1MI W/O REHOBOTH, with the intent to commit the crime of THEFT, therein.

Complaint Number: 0793025102 Arrest Number: 164927 Charge Sequence: 008  
Charge: THEFT OF A FIREARMIn Violation of: 11-DE-1451-0000-F-F 93-12-0538 PS93-4717  
Location of Violation: CR 273 1MI W/O REHOBOTH

TO WIT: DANIEL M PASKINS J, on or about the 2nd day of December, 1993, in the County of Sussex, State of Delaware, did take, with intent to appropriate, property consisting of a firearm, belonging to DAVID W SCOTT, to wit: JAPANESE 25 CAL SEMI AUTO HANDGUN .

Complaint Number: 0793025102 Arrest Number: 164927 Charge Sequence: 009  
Charge: THEFT OF A FIREARMIn Violation of: 11-DE-1451-0000-F-F 93-12-0539 PS93-4718  
Location of Violation: CR 273 1MI W/O REHOBOTH

TO WIT: DANIEL M PASKINS J, on or about the 2nd day of December, 1993, in the County of Sussex, State of Delaware, did take, with intent to appropriate, property consisting of a firearm, belonging to DAVID W SCOTT, to wit: 44 CAL SWEDISH PERCUSSION REVOLVER .

Complaint Number: 0793025102 Arrest Number: 164927 Charge Sequence: 010  
Charge: POSSESSION OF A DEADLY WEAPON DURING THE COMMISSION OF A FELONYIn Violation of: 11-DE-1447-0000-F-B 93-12-0540 PS93-4719  
Location of Violation: CR 273 1MI W/O REHOBOTH

TO WIT: DANIEL M PASKINS J, on or about the 2nd day of December, 1993, in the County of Sussex, State of Delaware, did knowingly possess a deadly weapon during the commission of a felony by possessing 25 CAL SEMI-AUTO HANDGUN, a deadly weapon, during the commission of BURGLARY 2ND



Exhibit A  
 of Delaware vs DANIEL M PASKINS J

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 Court Case: 9312006327  
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Complaint Number: 0793025102 Arrest Number: 164927 Charge Sequence: 007  
 Charge: BURGLARY SECOND DEGREE

- DWELLING

In Violation of: 11-DE-0825-0001-F-D 93-12-0537 PS93-4716  
 Location of Violation: CR 273 1MI W/O REHOBOTH  
 TO WIT: DANIEL M PASKINS J, on or about the 2nd day of December, 1993, in the  
 County of Sussex, State of Delaware, did knowingly and unlawfully  
 enter a dwelling located at CR 273 1MI W/O REHOBOTH, with the intent  
 to commit the crime of THEFT, therein.

Complaint Number: 0793025102 Arrest Number: 164927 Charge Sequence: 008  
 Charge: THEFT OF A FIREARM

In Violation of: 11-DE-1451-0000-F-F 93-12-0538 PS93-4717  
 Location of Violation: CR 273 1MI W/O REHOBOTH  
 TO WIT: DANIEL M PASKINS J, on or about the 2nd day of December, 1993, in the  
 County of Sussex, State of Delaware, did take, with intent to  
 appropriate, property consisting of a firearm, belonging to DAVID W  
 SCOTT, to wit: JAPANESE 25 CAL SEMI AUTO HANDGUN .

Complaint Number: 0793025102 Arrest Number: 164927 Charge Sequence: 009  
 Charge: THEFT OF A FIREARM

In Violation of: 11-DE-1451-0000-F-F 93-12-0539 PS93-4718  
 Location of Violation: CR 273 1MI W/O REHOBOTH  
 TO WIT: DANIEL M PASKINS J, on or about the 2nd day of December, 1993, in the  
 County of Sussex, State of Delaware, did take, with intent to  
 appropriate, property consisting of a firearm, belonging to DAVID W  
 SCOTT, to wit: 44 CAL SWEDISH PERCUSSION REVOLVER .

Complaint Number: 0793025102 Arrest Number: 164927 Charge Sequence: 010  
 Charge: POSSESSION OF A DEADLY WEAPON DURING THE COMMISSION OF A FELONY

In Violation of: 11-DE-1447-0000-F-B 93-12-0540 PS93-4719  
 Location of Violation: CR 273 1MI W/O REHOBOTH  
 TO WIT: DANIEL M PASKINS J, on or about the 2nd day of December, 1993, in the  
 County of Sussex, State of Delaware, did knowingly possess a deadly  
 weapon during the commission of a felony by possessing 25 CAL  
 SEMI-AUTO HANDGUN, a deadly weapon, during the commission of BURGLARY  
 2ND

Exhibit A  
of Delaware vs DANIEL M PASKINS J

Court Case: 9312006327

Complaint Number: 0793025102 Arrest Number: 164927 Charge Sequence: 011  
Charge: POSSESSION OF DEADLY WEAPON BY PERSON CONVICTED OF A CRIME OF VIOLENCE  
Violation of: 11-DE-1448-00A1-F-F 93-12-0541  
Location of Violation: CR 273 1MI W/O REHOBOTH PS 93-4720  
TO WIT: DANIEL M PASKINS J, on or about the 2nd day of December, 1993, in the  
County of Sussex, State of Delaware, did have in his possession 25  
CAL HANDGUN, a deadly weapon as defined under 11 Del. C. sec. 222(5),  
after having pled guilty in Criminal Action No(s) 0788004519 in the  
Superior Court of the State of Delaware in and for SUSSEX on 06-07-88  
of the charges of BURGLARY 1ST .

Complaint Number: 0793025102 Arrest Number: 164927 Charge Sequence: 012  
Charge: THEFT  
- OVER \$500  
In Violation of: 11-DE-0841-0000-F-G 93-12-0542 PS 93-4721  
Location of Violation: CR 273 1MI W/O REHOBOTH  
TO WIT: DANIEL M PASKINS J, on or about the 2nd day of December, 1993, in the  
County of Sussex, State of Delaware, did take with intent to  
appropriate, property consisting of US CURRENCY SILVER COINS; CASE  
KNIFE ; COSTUME JEWELRY , belonging to DAVID W SCOTT, and valued at  
more than \$500.00.

Complaint Number: 0793025102 Arrest Number: 164927 Charge Sequence: 013  
Charge: CRIMINAL MISCHIEF  
- UNDER \$500 DAMAGE PROPERTY 93-12-0543 PS 93-12-0669m  
Location of Violation: CR 273 1MI W/O REHOBOTH  
TO WIT: DANIEL M PASKINS J, on or about the 2nd day of December, 1993, in the  
County of Sussex, State of Delaware, did intentionally cause damage  
of less than \$500.00 to property consisting of BRACKETS AND LOCKS FOR  
ANDERSEN WINDOW belonging to DAVID W SCOTT.

Exhibit B  
Affidavit of Probable Cause

of Delaware vs DANIEL M PASKINS J	Police Complaint: 0793025260
known as: DANNY	SBI Number: 00203178
Age of birth: 06/21/1967	Sex: M Race: B Accused's age: 26
as: BRO Hair: BLK Height: 601	Weight: 233
Accused's home add: 14 HARMON'S LANE	Social Security Number 221628326
:	Driver's License DE - 0769295
: REHOBOTH, DE 199710000	
Accused's Home Ph : 3022278738	Name, Home and Work Addresses, and Telephone Numbers of Next of Kin or Parent/Guardian
Accused's employer: DEL STATE COLLEGE	: WALTER HARMON
:	: 12 HARMON LANE
:	:
Accused's Emp Pho: 3022271773	: REHOBOTH BEACH, DE 199710000
	Phone: 3022278432
	Work :
	:
	:
Relation: Vict to accused:	:
Victim's Age :	
Victim's D.O.B. :	
Date(s) and time(s) of offense: 12/02/1993 17:30 thru 12/02/1993 20:30	
Location where offense occurred: CR 273 1MI W/O REHOBOTH	

Your affiant CHARLES C BROWN can truly state that:

1. ON 12-04-93 2000HRS DET MULLETT INVESTIGATED A ROBBERY THAT OCCURRED AT THE RENEGADE NIGHT CLUB LOCATED AT US 1 1/2 MI N/O REHOBOTH
2. W-1 CHERYL RICE STATED THAT THE ACCUSED CAME INTO THE BAR AND ASKED TO USE THE TELEPHONE, HE MADE A PHONE CALL AND THEN MADE A VULGAR COMMENT TO W-1 AT THAT TIME W-1 ASKED THE ACCUSED TO LEAVE. W-1 DESCRIBED THE ACCUSED AS A BM APPROX 30YRS LARGE BUILD; 602 ; GLASSES; TRIMMED GOATEE DRK BLUE PARKA TYPE COAT. THE ACCUSED LEFT THE BAR AND WENT OUTSIDE.
3. VIC'S STATE THAT THEY WERE IN ROOM 102 ACROSS FROM THE BAR DRESSING FOR A SHOW THAT WAS GOING ON IN THE BAR. VIC'S STATE THAT THE ACCUSED CAME INTO THE ROOM WITH A SEMI-AUTO HANDGUN AND DEMANDED THAT THEY GIVE HIM THEIR MONEY. ACCUSED TOOK MONEY FROM EACH OF THE VIC'S AND THREATENED TO KILL THEM IF HE HAD TO. AFTER ACCUSED HAD THE MONEY HE FLED RUNNING TOWARD WOODS AND PATH THAT LEADS TO WEST REHOBOTH. VIC'S DESCRIBED THE ACCUSED AS BEING 602-605; LARGE BUILD; APPROX 30YRS; SHORT BLK HAIR; TRIMMED GOATEE; GLASSES; DRK BLUE PARKA; WHITE TENNIS SHOES. THE VIC'S DESCRIBED THE GUN AS A SEMI-AUTO WHICH LOOKED LIKE A GERMAN LUGER WITH A LONG BARREL.
4. AFFIANT PRESENTED A PHOTO LINEUP TO TWO OF THE VIC'S AND THE W-1 AT THE TROOP, AT DIFFERENT TIMES. VIC'S AND W-1 POSITIVELY IDENTIFIED THE ACCUSED.
5. ACCUSED HAD BEEN CONVICTED OF BURGLARY 1ST IN SUPERIOR COURT COUNTY OF SUSSEX ON 06-07-88 AND IS PROHIBITED.
6. ACCUSED WAS ARRESTED FOR A ROBBERY 1ST ON 12-06-93 WHICH A PERCUSSION REVOLVER WAS USED IN THE ROBBERY. THE WEAPON WAS SEIZED FOR EVIDENCE

*Charles C Brown*  
(Affiant) 4560

*Walter Harmon*  
(Judge-Master-Commissioner)  
Sworn to and subscribed before me  
this 13 of December, 1993

Exhibit B

Statement of Probable Cause (Continued)

State of Delaware vs DANIEL M PASKINS J

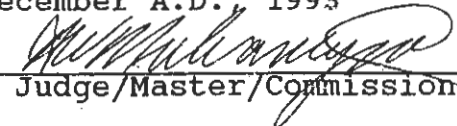
7. ON 12-02-93 2046HRS CPL OSTROSKI INVESTIGATED A BURGLARY WHICH OCCURRED AT THE RESIDENCE OF DAVID SCOTT LOCATED ON WESTSIDE DRIVE CR 273 1MI W/O REHOBOTH. THE INCIDENT OCCURRED BETWEEN THE HOURS OF 1730-2030. THE ACCUSED ENTERED THE RESIDENCE BY PRYING OPEN A WINDOW, ONCE INSIDE THE ACCUSED REMOVED A SMALL JEWELRY BOX , JEWELRY, US CURRENCY SILVER COINS VALUED AT \$500. THE ACCUSED ALSO REMOVED A SIX SHOT PERCUSSION REVOLVER 6" BARREL SWEDISH MADE AND A JAPANESE 25 CAL SEMI-AUTO HANDGUN WHICH WAS DESCRIBED BY THE VIC AS LOOKING LIKE A GERMAN LUGER.
  8. ON 12-13-93 AFFIANT SHOWED THE VIC THE REVOLVER CONFISCATED FROM THE ROBBERY WHICH THE ACCUSED INVOLVED IN. VIC POSITIVELY IDENTIFIED THE GUN AFFIANT CAN ALSO STATE THAT THE ACCUSED'S RESIDENCE ON HARMON DRIVE IS ACROSS A FIELD FROM THE VIC'S RESIDENCE.
- =====

Affiant:

CHARLES C BROWN TROOP 4 STATE POLICE Phone 0 Work 0

  
Affiant

Sworn and subscribed before me this 13 day of December A.D., 1993

  
Judge/Master/Commissioner



Ex. 3

IN THE COURT OF THE JUSTICES OF THE PEACE OF THE  
STATE OF DELAWARE IN AND FOR SUSSEX COUNTY  
COURT NO. 3  
COMMITMENT

The State of Delaware

Sussex County, ss.

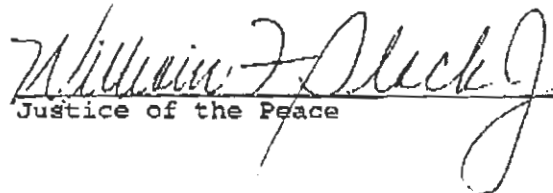
To any constable and to the Department of Correction of the said State and County:

THIS IS TO COMMAND YOU, the said constable, forthwith to convey and deliver into custody of the Department of Correction of SCI in Sussex County the body of DANIEL M PASKINS J charged before said Justices of the Peace Court 3 on oath by CHARLES BROWN with violation of the below stated offenses of the Delaware Code of 1953 as amended.

AND WHEREAS, by my judgement the said defendant is committed in default of \$ 61,500 secured bail. Appearance in SUSSEX COUNTY COURT OF COMMON PLEAS for Preliminary Hearing on Thursday December 16, 1993 at 09:00 AM

AND YOU, the said Department of Correction, are hereby required to receive the said defendant into your custody and him safely keep, until he be thence delivered by due course of law.

GIVEN under my hand and seal this 07 day of December, A.D. 1993.

 (Seal)  
Justice of the Peace

The total number of charges is 4

Case Number	Statute	Offense	Amount of Bail
93-9312003318-001	11:0832:00A2:F:B	ROBBERY FIRST DEGREE	30,000
93-9312003318-002	11:1447:0000:F:B	POSSESSION OF A DEADLY WEAPON DURIN	30,000
93-9312003318-003	11:1448:00A1:F:F	POSSESSION OF DEADLY WEAPON BY PERS	1,000
93-9312003318-004	11:0512:0001:F:G	CONSPIRACY SECOND DEGREE	500

NAME: DANIEL M PASKINS J SBI: 00203178 / 01 SEX: M RACE: B DOB: 06/21/1967

RECEIVED  
93 DEC 7 PM 5 23

line 4.3  
\$26.50

Appendix "P"

3318

Ex. 4

IN THE COURT OF COMMON PLEAS OF THE STATE OF DELAWARE  
IN AND FOR SUSSEX COUNTY

In the Matter of: )  
)  
STATE OF DELAWARE, )  
)  
Plaintiff, ) Criminal Action Number 93-4474  
vs. )  
)  
DANIEL M. PASKINS, )  
)  
Defendant. )  
-----

Transcript of the Proceedings had in the  
above-entitled matter which came on for hearing before the  
Hon. William C. Bradley, Judge of said Court, on Thursday,  
the 16th day of December, 1993.

APPEARANCES:

MELANIE M. WITHERS  
Deputy Attorney General  
In behalf of the Plaintiff.

MRS. WITHERS: Your Honor, I have an arraignment on ~~13 different charges on Mr. Paskins.~~

THE COURT: Is Mr. Paskins here?

MRS. WITHERS: He's incarcerated.

THE COURT: Let's continue this matter.

MRS. WITHERS: We need to set bond on the additional charges at this time, Your Honor.

THE COURT: What's the recommendation of the State?

MRS. WITHERS: Your Honor, I have to look and see what the charges are -- Your Honor, \$50,000.00 secured --

THE COURT: On the 13 charges?

MRS. WITHERS: At least.

THE COURT: All right. He hasn't made bond on the original charges?

MRS. WITHERS: I don't think so --

THE COURT: The minimum recommended amount on each of the charges -- all right.

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CERTIFICATE OF REPORTER

STATE OF DELAWARE)  
                      )  
SUSSEX COUNTY       )

I, Raymond F. Kenney, Court Reporter for the Court of Common Pleas of the County of Sussex, State of Delaware, do hereby certify that the foregoing is a true and accurate transcript of the proceedings had in the said Court in Criminal Action Number 93-4474, had on the 16th day of December, 1993.

Raymond F. Kenney,  
Court Reporter.